

*City of Las Vegas*

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: DECEMBER 17, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-36558 - APPLICANT: HAIM GABAY - OWNER: H S FAMILY, LP**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION:**      **APPROVAL**, subject to:

**Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for Beer/Wine/Cooler Off-Sale use.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. The sale of single beers, malt beverages, or wine coolers of any size with alcohol by volume greater than 6% shall be prohibited. The sale of wines with an alcohol by volume of greater than 16% shall be prohibited.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit to allow a Beer/Wine/Cooler Off-Sale use within an existing 5,166 square-foot retail establishment at 316 Fremont Street. The Beer/Wine/Cooler Off-Sale use will be ancillary to the existing retail store. No Waivers are needed as a part of this request. The sale of individual containers is consistent with previous approvals in the area and is a common business practice for merchants along this portion of Fremont Street. This request meets all minimum Special Use Requirements and can be conducted in a compatible and harmonious manner within the existing retail store and with similar uses along Fremont Street; therefore staff is recommending approval of this application.

**ISSUES**

- The sale of individual containers of any size of beer or wine coolers is appropriate at this location.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc. and Property Sales</i></b>	
12/16/64	The City Council approved a Rezoning (Z-0100-64) from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial), C-2 (General Commercial) and C-V (Civic) to C-2 (General Commercial) for approximately 230 acres generally located on property bound by Main Street to the west, Bonanza Road on the north, Las Vegas Boulevard on the east, and Charleston Boulevard on the south. The Planning Commission and staff recommended approval of the request.
01/24/95	The Board of Zoning and Adjustment approved a request for a Variance (V-0187-94) to allow a 197 square-foot freestanding sign where 150 square feet is the minimum area allowed; and to allow the sign to a height of 46 feet where 40 feet is the maximum height allowed at 316 Fremont Street.
<b><i>Related Building Permits/Business Licenses</i></b>	
05/22/89	A Building Permit (#89023441) was issued for interior demolition at 316 Fremont Street. The permit was marked inactive on 11/18/92.
02/15/95	A Building Permit (#95367306) was issued for two illuminated sign cabinets at 316 Fremont Street. The permit was finalized on 03/09/95.
05/30/02	A Building Permit (#2009676) was issued for a sign at 316 Fremont Street. The permit was expired on 12/21/03.
12/23/03	A Building Permit (#3027066) was issued for a sign at 316 Fremont Street. The permit was finalized on 02/11/04.

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02/27/04	A Building Permit (#4004356) was issued for a tenant improvement at 316 Fremont Street. The permit was expired on 12/04/05.
09/17/09	A Business License (#C05-02665) was issued for a Tobacco Dealer at 316 Fremont Street. This license is still active.
	A Business License (#C15-00379) was issued for a Convenience Store at 316 Fremont Street. This license is still active.
<b><i>Pre-Application Meeting</i></b>	
10/19/09	<p>A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit for Beer/Wine/Cooler Off-Sale establishment were discussed. Topics included:</p> <ul style="list-style-type: none"> <li>• The submittal of application materials, meeting dates, and deadlines were discussed.</li> <li>• No Waivers are required as a part of the request.</li> </ul>
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting was not required, nor was one held.	
<b><i>Field Check</i></b>	
11/12/09	During a routine site inspection staff observed a well maintained convenience store.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	0.14 Acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	General Retail	C (Commercial)	C-2 (General Commercial)
North	General Retail	C (Commercial)	C-2 (General Commercial)
South	General Retail	C (Commercial)	C-2 (General Commercial)
East	General Retail	C (Commercial)	C-2 (General Commercial)
West	General Retail	C (Commercial)	C-2 (General Commercial)

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>			
Downtown Centennial Plan	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
Downtown Overlay District – (Central Casino Core)	X		Y
A-O (Airport Overlay) District – (200-foot)	X		Y
Downtown Casino Overlay District	X		Y
Live/Work Overlay District	X		Y
<b>Trails – Tortoise Trail</b>	X		Y
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.10, the following parking standards apply:*

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
General Retail Store, Other Than Listed (3,500 Square Feet or More)	5,166 SF	1:175 GFA	30	2			
TOTAL			30	2	Zero		N

## ANALYSIS

This request is for a Special Use Permit for a proposed Beer/Wine/Cooler Off-Sale use within an existing 5,166 square-foot retail establishment at 316 Fremont Street. The applicant indicates that they will sell beer and wine as an additional item within their existing retail store. The sale of individual containers is consistent with previous approvals in the area and is a common business practice for merchants along this portion of Fremont Street. The subject site is located within the Las Vegas Downtown Centennial Plan area, which is not subject to the automatic application of parking requirements. Adequate parking is located in several parking structures within walking distance to Fremont Street. The proposed Beer/Wine/Cooler Off-Sale use requires the approval of a Special Use Permit within a C-2 (General Commercial) zoning designation. No Waivers are needed as a part of this request. The proposed Beer/Wine/Cooler Off-Sale Establishment meets all applicable requirements of Title 19, the General Plan and all other applicable plans; therefore, staff is recommending approval of this request.

JB

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**FINDINGS**

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Beer/Wine/Cooler Off-Sale use is ancillary to an existing retail establishment, which is adjacent to similar uses along Fremont Street. The addition of a Beer/Wine/Cooler Off-Sale Establishment use within this area is compatible with the existing and future land uses as specified by the General Plan.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is currently operated as a retail establishment. Similar alcohol related uses are common in this area of the City. The subject site is physically suitable to accommodate the proposed use.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The proposed Beer/Wine/Cooler Off-Sale Establishment use is located on Fremont Street and 4<sup>th</sup> Street which are both defined as 80-foot Secondary Collectors, as defined by the Master Plan of Streets and Highways. The location of the subject site is not accessed by vehicular traffic as it is located under the Fremont Street Experience canopy. The site will be accessed primarily by pedestrian traffic.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed Special Use Permit request will not be inconsistent with or compromise the public health, safety, and welfare or overall objectives of the General Plan.

5. **The use meets all of the applicable conditions per Title 19.04.**

The proposed Beer/Wine/Cooler Off-Sale use meets all of the applicable conditions per Title 19.04.

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**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 17

**NOTICES MAILED** 190

**APPROVALS** 1

**PROTESTS** 0